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Cung Le, Nathan Quarry, Jon Fitch, Luis  
Javier Vazquez, Brandon Vera, and Kyle  
Kingsbury*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

In Re Subpoena Of

Top Rank, Inc. and Robert Arum

Cung Le, Nathan Quarry, and Jon Fitch, on  
behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-PAL

**DECLARATION OF ROBERT C.  
MAYSEY IN SUPPORT OF  
MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS  
RESPONSIVE TO THEIR  
SUBPOENA TO THIRD PARTY  
TOP RANK, INC. AND MOTION  
TO COMPEL APPEARANCE AT  
DEPOSITION OF ROBERT ARUM,  
PRESIDENT OF TOP RANK, INC.**

I, Robert C. Maysey, declare and state as follows:

1. I am an attorney at Warner Angle Hallam Jackson & Formanek, PLC (“Warner Angle”), Counsel for the Classes and Attorneys for Individual and Representative Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Luis Javier Vazquez, Brandon Vera, and Kyle Kingsbury (collectively, “Plaintiffs”) in the related case, *Le et al. v. Zuffa, LLC*, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.) (the “Related Case”). I am a member in good standing of the State Bar of Arizona and the State Bar of California and

1 have been admitted *pro hac vice* in this court. I am over 18 years of age and have  
2 personal knowledge of the facts stated in this Declaration.

3 2. I make this declaration in support of Plaintiffs' Motion to Compel the  
4 Production of Documents against Top Rank, Inc. ("Top Rank"), a Nevada corporation  
5 headquartered at 748 Pilot Road, Las Vegas, Nevada 89119-4416, and to compel  
6 appearance of Robert Arum, President of Top Rank at a deposition to be held on August  
7 21, 2017, at 9 a.m. pacific time at Wolf Rifkin, 3556 East Russel Road, 2<sup>nd</sup> Floor, Las  
8 Vegas, Nevada 89120.

9 3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs'  
10 Consolidated Amended Antitrust Class Action Complaint, filed in the Related Case on  
11 December 18, 2015.

12 4. Attached hereto as Exhibit 2 is a true and correct copy of Defendant Zuffa,  
13 LLC's Answer to Plaintiffs' Consolidated Amended Complaint.

14 5. Attached hereto as Exhibit 3 is a true and correct copy of Defendant Zuffa,  
15 LLC's Notice of Motion and Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6).

16 6. Attached hereto as Exhibit 4 is a true and correct copy of Judge Boulware's  
17 Order denying Zuffa's motion to dismiss.

18 7. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiffs'  
19 Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection Of  
20 Premises In A Civil Action (the "Document Subpoena"), addressed to Top Rank.  
21 Attached hereto as Exhibit 6 is a true and correct copy of Plaintiffs' Subpoena To Testify  
22 at a Deposition in a Civil Action, as subsequently amended (the "Deposition Subpoena").  
23 Attached hereto as Exhibit 7 is proof that service of these subpoenas was accepted by Top  
24 Rank's and Mr. Arum's counsel, David Marroso, on February 20, 2017.

25 8. On February 20, 2017, I spoke with Mr. Marroso about the documents sought  
26 by the Document Subpoena, and agreed to provide Mr. Marroso and extension in time to  
27 respond to the Document Subpoena. Mr. Marroso informed me that he would confer with  
28 his client, and make a proposal regarding the scope of the document production.

1           9.     Attached hereto as Exhibit 8 is correspondence sent by Mr. Marroso on  
2 February 27, 2017, noting that Top Rank would file objections to our Document  
3 Subpoena, and asserting that it would only agree to a deposition of four (4) hours total.

4           10.    On or about March 24, 2017, Mr. Marroso and I met and conferred regarding  
5 Top Rank's objections, and attempted to narrow the scope of the documents being sought  
6 in response to the Document Subpoena. Mr. Marroso and I also discussed the scope of the  
7 Deposition Subpoena and why Mr. Arum's suggested limitations were not acceptable.

8           11.    Attached hereto as Exhibit 9 is correspondence sent by Mr. Marroso on April  
9 4, 2017, offering revenue data from one event per year for years 2013 through 2016, and  
10 again asserting that the time for Mr. Arum's deposition be limited to 4 hours, total.  
11 Plaintiffs' counsel again asserted that this was not a sufficient production nor acceptable  
12 limitation on Mr. Arum's deposition, and again requested aggregated financial data for  
13 complete years showing revenues received, and all amounts paid to boxers.

14           12.    Attached hereto as Exhibit 10 are formal objections to the Document  
15 Subpoena and Deposition Subpoena sent by counsel for Top Rank and Robert Arum on  
16 April 25, 2017.

17           13.    On May 10, 2017, Mr. Marroso, Tara Nordquist Esq., and I met and  
18 conferred again regarding the scope of production necessary for the Document Subpoena  
19 and the scope of the Deposition Testimony, and were unable to reach an agreement.  
20 Attached hereto as Exhibit 11 is an email sent at Mr. Marroso's request, where we again  
21 forwarded a copy of the Revised Stipulation and Protective Order containing the "Highly  
22 Confidential" designation to protect the disclosure of documents produced.

23           14.    On or about May 16, 2017, I met and conferred with Mr. Marroso regarding  
24 the possibility of producing data on an anonymized basis so the source of data produced  
25 would be unknown. We rejected this proposal as unworkable because we cannot make an  
26 agreement for the defendant in this action or their outside experts, and again asserted that  
27 the Protective Order was in place with a "Highly Confidential" designation. Mr. Marroso  
28

1 asserted that Top Rank was not satisfied that the Protective Order afforded sufficient  
2 protection for its sensitive commercial information.

3 15. On July 9, 2017, I met and conferred with Mr. Marroso again regarding  
4 potential deposition dates for Mr. Arum, preferred location for the deposition, and to  
5 attempt to reach some resolution on the scope of documents produced. Attached hereto as  
6 Exhibit 12 sent on July 12, 2017, is an email sent by Mr. Marroso again conditioning Mr.  
7 Arum's availability for a deposition on our acceptance of their proposed productions to  
8 the Document Subpoena.

9 16. Attached hereto as Exhibit 13 is an email dated July 19, 2017 sent by Mr.  
10 Marroso advising that Mr. Arum was available for deposition on August 21, 2017.  
11 Attached hereto as Exhibit 14 is an email dated July 20, 2017 where Plaintiffs' accepted  
12 Mr. Arum's proposed date of August 21, 2017 to proceed with Mr. Arum's deposition, and  
13 where Plaintiffs' suggested we either meet and confer on the document production or seek  
14 a court ruling on the scope of the document production. Mr. Marroso again rejected this  
15 request, and in an email dated July 20, 2017 attached hereto as Exhibit 15, again  
16 conditioned Mr. Arum's availability at the August 21, 2017 deposition upon Plaintiffs'  
17 accepting Top Rank's proposed document production.

18 17. Attached hereto as Exhibit 16, is an email dated July 21, 2017 forwarding an  
19 amended deposition notice to David Marroso on behalf of Robert Arum.

20 18. The parties are at an impasse, and need the court's resolution of this pending  
21 discovery dispute.

22 I declare under penalty of perjury that the foregoing is true and correct and this  
23 Declaration is executed at Phoenix, Arizona on July 31, 2017

24  
25 By: /s/ Robert C. Maysey  
26 Robert C. Maysey  
27  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2017, I electronically transmitted the DECLARATION OF ROBERT C. MAYSEY IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS RESPONSIVE TO THEIR SUBPOENA TO THIRD PARTY TOP RANK, INC. AND APPEARANCE AT DEPOSITION OF ROBERT ARUM to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all registered users, and also served the same by mailing a copy via certified mail on the following, who are not registered participants of the CM/ECF System:

David Marroso, Esq.  
Brooke E. Jenkins  
O'Melveny & Myers LLP  
1999 Ave. of the Stars, 8th Fl.  
Los Angeles, CA 90067  
*Attorneys for Third Parties Top Rank, Inc.  
and Robert Arum*

/s/Teresa Baldrige

Teresa Baldrige, an Employee of Warner  
Angle Hallam Jackson & Formanek PLC